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Brandon Linn  
Rodney Phillips  
Steve Stroud

**CHINA GROVE PLANNING BOARD MEETING  
ELECTRONIC MEETING  
Minutes of Regular Meeting  
Thursday, August 13, 2020**

The China Grove Planning Board met electronically on Thursday, August 13, 2020 at 6:00 PM at the China Grove Town Hall, 333 North Main Street, China Grove, North Carolina.

**Planning Board Members Virtually Present:** David Morton, Chairman  
Butch Bivens, Vice Chairman  
Brie Bivens-Hager  
Rodney Phillips  
Jason Hinson  
Jason Higgins

**Planning Board Members Absent:** Natalie Morgan

**Staff Virtually Present:** Pamela Mills, Town Clerk  
Franklin Gover, Assistant Town Manager

**Visitors Virtually Present:** Matt Pannell, Eddie Moore, Arthur Heggins, Jimmie Childers, Christian Jones, Steve Stroud

**Roll Call and Recognition of Quorum**

Chairman Morton called the meeting to order at 6:00 PM. The presence of a quorum was recognized at that time.

**Adoption of Agenda**

Mr. Gover asked to move Collins Walk to the end so that Gable Properties is first, then Center Stage, then Collins Walk. Mr. Bivens made the motion to adopt the agenda. Mr. Phillips seconded the motion, which carried unanimously.

**Public Comment**

None

**2020-Z-03, 2020-CUP-03 Gable Properties – General and Trades Contracting**

Chairman Morton stated we discussed this case over on Tuesday night. He stated concerns we discussed were a buffer in the rear of the property that if the right of way were to be opened would be lost, planting a shade tree by the parking lot, and adding a planted buffer on the left-hand side of the building between the resident next door and this property.

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Brie Bivens-Hager joined at 6:10 PM.

Chairman Morton opened the courtesy hearing and asked if any written comments were submitted.

No written comments were submitted.

Chairman Morton closed the courtesy hearing.

#### Statement of Consistency and Reasonableness

Mr. Phillips made a motion that 2020-Z-03 is appropriate and necessary to meet the development needs of China Grove for the following reasons not previously envisioned by the China Grove Land Use Plan making instances of existing commercial development along thoroughfares more compatible with the area by meeting landscaping requirements. Furthermore, the adoption of 2020-Z-03 is deemed an amendment to the China Grove Land Use Plan and is reasonable and in the public interest based on the fact that the proposed existing commercial property is on a major thoroughfare road. Mrs. Bivens-Hager seconded the motion, upon a roll call vote Chairman Morton voted yes, Mr. Higgins voted yes, Mr. Hinson voted yes, Mr. Bivens voted yes. (6-0)

Mr. Higgins recommended to approve the request to rezone Rowan County Tax Parcel 118A02001 and 118A021 from Suburban Residential to Highway Business Conditional Use. Mr. Phillips seconded the motion, upon a roll call vote Chairman Morton voted yes, Mr. Bivens voted yes, Mr. Hinson voted yes, Mrs. Bivens-Hager voted yes. (6-0)

Mr. Phillips recommended to approve the conditional use permit for a general contracting/trades contracting use without condition. Mrs. Bivens-Hager seconded the motion, upon roll call vote Mr. Bivens voted yes, Mr. Higgins voted yes, Mr. Hinson voted yes, Chairman Morton voted yes. (6-0)

#### **2020-CUP-04 Center Stage Dance Expansion**

Chairman Morton stated we discussed this case Tuesday night. He stated the proposal is additional parking in the front and behind the building, an addition to the building and an awning added to the front of the existing building.

Chairman Morton asked where does she plan to park the bus. Mr. Gover stated he believes the area in the back is an open space. Chairman Morton asked how tall the clearance is. Mr. Hinson stated the plan shows 16 ft. 9 inches. Chairman Morton stated the concern about the addition is it is heavy on metal material and light on masonry. He stated it is similar to the material of the existing building.

Chairman Morton opened the courtesy hearing and asked if any written comments were submitted.

No written comments were submitted.

Chairman Morton closed the courtesy hearing.

Mr. Phillips made a motion to recommend the approval of 2020-CUP-04 to allow an addition to an existing dance instruction use in the Office and Institutional District on Rowan County Tax Parcel 103 004 and recommend the approval of the spilt face block façade as a design alternative. Mr. Higgins seconded the motion, upon a roll call vote Mr. Hinson voted yes, Mr. Bivens voted yes, Mrs. Bivens-Hager voted yes, Chairman Morton voted yes. (6-0)

### **2020-Z-02, 2020-CUP-02, 2020-S-01 Major Subdivision Collin's Walk**

Chairman Morton stated we discussed this case Wednesday night. He stated the two parcels are currently zoned RM-CU and RS-CU and the Conditional Uses have expired. He stated the applicant wants to rezone to RM to allow for a mixture of 50 ft. and 60 ft. lots. He stated RM allows 50 ft. lots and RS allows 70 ft. lots. He stated the proposal includes an extension to and improvements of Collins Road.

Chairman Morton opened the courtesy hearing and asked if any written comments were submitted.

Mr. Gover read aloud the following written comments:

Rene Mercier – 715 Shue Road

Good Morning:

Just a quick follow-up to last night's zoning meeting:

- Would rather have 300 homes than 375 in order to keep the rural feel
- The "cluster" on Shue Road needs to be more spread out/in-line with the back side in order to maintain the rural feel
- Agreement with the petition from Collins Road: Increased traffic, crime, three years of construction vehicles, loss of country feel and wildlife, etc. However, I do not agree with the entrance to the division be solely on Shue Road.
- With the additional houses what are the plans for additional police, fire and rescue? Has China Grove taken this into consideration? Funding?
- Agree with moving the entrance further down the road to eliminate the headlights shining in homes. When I originally received the plans, the entrance looked as though it would be across from our home (there is currently a construction entrance directly across our driveway) and this was a concern and I understand my neighbors concern.

My husband and I purchased our home at 715 Shue Road two years ago. We love China Grove and the small country feel; this development would take some of this away. Shue Road Area is relatively quiet and we enjoy sitting out back enjoying our yard, playing with our dogs and gardening.

Thank you for taking the time to listen to our concerns last night. Have a great day.

Trever Efird – 1130 Shue Road

I live at 1130 Shue Road and have concerns with the large retaining wall behind my house. Is there anyway I can get a privacy fence put up for my protection as I have small children and animals? I am concerned that this would become a hazard.

Ralph Thompson – 460 Collins Road

We do not oppose the construction of the new Collins Walk Community. We feel that the tax structure would be of great benefit to the town of China Grove. What we do oppose is the extension of Collins Road to connect to that new Community for the following reasons. We urge the board to postpone the vote of this portion of the proposal for at least one {1} week to give the town planning board members time to actually visit Collins Road. Drive your personal vehicles on Collins Road. at 20 - 25 mph, place cars side by side in opposite direction and notice the bad curve and just how narrow the road really is. You will see the meeting of oncoming traffic requires

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extreme caution and meeting a construction/delivery truck would be at best a hazard, much less a school bus which would require one vehicle to travel in the grass, tires off the road. The speed of 20 - 25 mph will make the curve hard to negotiate. With the added traffic of upwards of hundreds of cars per day you will see that the road is incapable of handling that type of traffic. That brings up the need for major road improvements which addresses many of our concerns stated in our petition. You will also notice that a left-hand turn in the center lane off of north bound US 29 must cross traffic traveling at 55 mph and if another car is waiting to turn out of Collins Rd the entrance onto the road is difficult. We feel that far more traffic will be going south towards Kannapolis, Concord, and Charlotte for work purposes than will be going north. I, myself turn right onto US 29 about 80% of the time to visit business in China Grove, most of our residents do the same. This T intersection will become a dangerous area even with a right-hand turn lane off of southbound US 29. Please notice the deep drop off of the edge of US 29 and that major construction will be required to install that turn lane. Please notice the group of mail boxes at the end of Collins Road, you will see how difficult it will be to retrieve our mail. Most of us pull to the left and get our mail, some stop and get out, and with the amount of traffic that could be, well you will understand our dilemma. Feel free to use our driveways at the end of the pavement to turn around, pictures do not do justice to an actual visitation of the road and community. Again, we urge you to visit Collins Road and think about the traffic volume and the needs of improvement of this road. And the losses of personal property that we would incur! Again, we state THIS ROAD cannot handle that amount of traffic and our community does not want to lose our tranquility.

Thank you for your time, I, we look forward to hearing from the Board and the decision you make.

Mrs. Mills read aloud the following written comment:

Jimmie Childers, Jr. –

Requested action: Reject the requested special use zoning RM-CU and affirm the existing RS zoning.

Reason of interest: Having family and land at 500, 502, 1950, and 2010 Shue Road the Collins Walk development will significantly impact the environment my family lives in every day.

Shue road and the area is important to my family, and family members asked me to challenge the rezoning request.

- o Grandparents moved to the area in 1948
- o Grandfather built the house at 502 Shue Rd
- o As a child worked farms and gardens at 502 and 2010 Shue Rd
- o My parents, who have been married for 60+ years, met at Back to Bethel Camp meeting on Shue Rd.
- o Family estate is at 502 Shue road and is occupied by an aunt.
- o The estate has rental property at 500 Shue road.
- o Aunt and uncle live at 1950 Shue Rd, and their farmland joins the proposed development parcel at Grant's Creek
- o My wife and I own a house at 2010 Shue Rd

Scope of the project: The development is a significant decision. Currently, China Grove population is +-4,200 people. This development will cluster an additional 1,000 to 1,500 people on a 177-acre tract of land. (Estimated residency of the development based on 370 homes with four bedrooms and occupancy of 2.65 to 4 people per house.)

Reason for request:

- 1.0 The proposed development is not consistent with the character of existing housing or developments in the area.
- 1.1 The requested approval is for a high-density development. The developer lists the average house density at 2.07 house per acre. The approach is to leverage clustering to group the housing on the parcel in a manner that minimize development cost and optimize return on their investment. Because there are sections of the property that are not practical to develop, those areas are used in the total density calculation to show a lower average density. The 50' and 60' wide lots are estimated to be 6000 to 7200 sq. feet, which is 7.26 to 6.05 houses per acre.
- 1.2 Existing housing developments are lower density with larger lots. Notice the typical 100' wide lots for the Hickory Grove development across the street from the proposed site.
- 1.3 Consider the current Lennar development, Alexander Glen, in Rockwell, NC. Lots are larger than the proposed Colins walk development with 60 – 70 wide parcels. Before you vote, please drive through the Alexander Glen development and consider if it is in China Grove's best interest to have a development with a similar design yet higher density on the Shue Rd property.
- 2.0 This is not a reapplication of the special zoning request that was approved in 2005. The characteristics of the 2005 request was 300 houses with lot sizes 8,500 sq.ft, 10,000 sq. ft and 20,000 sq. ft. This request is for more houses, 370, and smaller lots of 6,000 sq. ft and 7,200 sq. ft.
- 3.0 The Colins road residents, including Mr. Collins, are opposed to the development and changing their dead-end road into a primary connector from US 29 into the development.
- 4.0 The proposed development is not compliant with the current China Grove Unified Development Ordinance. The designs shown in Lennar presentation on 8/12/2020 showed both planned series of homes offered in the development with prominent two-car garages and recessed front entrances.

Conclusion: The CHINA GROVE LAND USE PLAN highlights many of the challenges faced as a community. It correctly notes - "The people of China Grove know growth is coming and they want to make sure it fits in with existing development in the Town." The proposed development is extremely high-density, it doesn't fit within the existing development, and should be rejected.

In rejecting the request, the developer should be challenged to partner with China Grove for growth and mutual good by developing a RS-CU plan.

- o Increase the lot sizes.
- o Lower the house count to reduce the total stress on the traffic and existing neighbors.
- o Avoid the "garage is king" look, where everyone sees your junk and understands why the vehicle is parked outside. The UDO already addresses this.
- o Expand and develop the greenways as part of the initial development.
- o Work with the Collins Road neighbors and see if there is any acceptable option.

If this development team is not willing to support the existing zoning, China Grove should wait until there is a developer that shares the vision and is willing to develop a high-end community that improves the tax base, and brings the quality of life forward.

Thank you for your community service and investing a portion of your life for the good of China Grove.

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Chairman Morton asked if there were any other written comments. Mr. Gover stated no further comments were submitted and all comments will be included in the minutes as attachment A.

Chairman Morton stated he does not know how this development would work without the Collins Road extension. He stated one of the connections at Shue Road fronts in at an existing resident is a problem and from what he understands can be fix. He stated he likes the idea to have a starter greenway or a soft greenway.

Eddie Moore, Mc Adams

Mr. Moore stated in response to some items that came up last night he would like to answer some questions. He stated concerning Rene Mercier's request, we can have the road split the two parcels so that the entrance/exit would not front her home. He stated the concerning the greenway, they are willing to incorporate a soft/natural path for the greenway. He stated concerning the garage doors, they can add carriage style hardware and windows to help it not be the main focus. He stated concerning the connection with Collins Road, they are willing to look at other options.

Mr. Hinson asked about the setbacks that are proposed. Mr. Moore stated they are proposing is a minimum of 20 ft. setbacks in the front and 10 ft. setbacks on the side for the 50 ft. lots and a minimum of 20 ft. setbacks in the front and 15 ft. setbacks on the side for the 60 ft. lots.

Chairman Morton stated our ordinance states that the garage has to be setback 4 ft. from the front door. He stated the garage door is not to be the prominent feature and all the elevations shown last night were garage doors as the prominent feature. Mr. Moore stated per state statue that is not enforceable for single family homes. He stated the product that Lennar Homes offers is for a 40 ft. wide home that would fit the ordinance requirement. He stated the product would push the starting price of the house above the market in this area.

Mr. Gover stated Mr. Moore is correct about the design guidelines for single family, but this is a voluntary Conditional Use process. He stated the Planning Board can ask for different models in a Conditional Use process and if the applicant chooses to accept the different models then we move forward with the process. He stated if the applicant chooses to not accept it then the applicant can go back to by right process and do a straight rezoning and then what he said would be true.

Chairman Morton closed the courtesy hearing.

Chairman Morton stated he does not like the garage forward look but understands developers do it to have the space behind it for useable square footage in the house. He stated the reason we have the garage setback is to encourage pedestrian friendly developments. He stated when the entrance to the house is setback from the entrance for the vehicles it minimizes that.

Chairman Morton stated Mr. Childers made a couple of comments that were correct and so did Mr. Moore. He stated the density over all on the property is 2 houses per acre. He sated the house themselves are at a higher density per acre due to clustering the lots. He stated a majority of the property is not being used because it is not buildable. He stated in the outlining residential zoning that we have we have larger lots. He stated he likes the potential for a greenway on this property. He stated he appreciates Mr. Moore considering moving Street B. He stated a majority of the houses in this proposed development are on the opposite side of the stream buffer and he does not believe this development would work if there was not a connection to Collins Road. He stated the last subdivision that was considered he supported higher density because it was closer to Hwy 29 and closer to Downtown. He stated he is concerned that higher density and smaller lots is not compatible this far down Shue Road. He stated he did visit Alexander Glen

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in Rockwell and it looks close to being sold out. He stated he would be comfortable with a variation of 60 ft. and 70 ft. lots.

Mr. Hinson asked if Collins Road is a public road. Chairman Morton stated that is correct, it is a state maintain road of tar and gravel pavement. Mr. Hinson stated the concern he had with the Red Fox development was the number of lots that had a slope greater than 8 ft. He asked if we know how many lots are like that in Collins Walk. Chairman Morton stated it is hard to determine that with these site plans and the topo that is shown. He stated the retaining walls are being used to help minimize those steeper slopes. Mr. Hinson stated there are 9 or 10 retaining walls and wondered if that was the number of lots with steep slopes.

Mr. Higgins stated he knows these types of developments are coming with the interchange of I-85 and people being priced out of Cabarrus County. He stated it is shocking riding down Shue Road and seeing the density are on the left side of the street vs the right side of the street. Chairman Morton stated we are set up to have neighborhoods as part of the community. He stated this neighborhood would connect with the community due to its location. Mr. Higgins asked if it was zoned RM and not RM-CU could the property be developed with 50 ft. lots with very little process. Chairman Morton stated yes.

Chairman Morton stated he knows the Town Council denied the last proposed development near this one due to the density. Mr. Phillips stated the applicant withdrew before the Council voted. Mr. Phillips stated he can agree with allowing the 50 and 60 ft. lots but he does not agree with allowing the garage forward design. He stated we placed that in the ordinance for a reason and have a vision of what we want in Town.

Mr. Hinson asked what are some alternatives to the garage door forward that we could place in the conditions. Chairman Morton stated there are no conditions to place since the ordinance states the garage door has to have a 4 ft. setback from the front door. Mr. Hinson asked if the homes in Millers Grove are in compliance with the ordinance. Chairman Morton stated there are a couple that are non-compliant but for the most part is compliant. Mr. Gover stated they meet the bare minimum of the ordinance. Chairman Morton stated we try to promote an inviting front porch area for pedestrians and not just vehicular traffic. Mr. Hinson stated the density is more of a concern for him and not the garage forward design.

Mrs. Biven-Hager stated she believes the board is on the same page and would ask the Council to deny the request based on the density and the fact that it does not match are land use plan. Mr. Heggins stated he wants a neighborhood but not this high of a density neighborhood. Mr. Hinson stated he believes the neighborhood would be good for the community as well but would like to place conditions on the Conditional Use Permit to have it agreeable for both parties.

Chairman Morton stated the we cannot recommend nonacceptance with conditions but we can recommend acceptance with conditions. He stated the conditions can be for the style of the house, buffers and density. Mr. Gover stated you have the option to make a list of conditions and give the applicant time to amend the plans and come back to the Planning Board before going to the Town Council. Mr. Gover stated the applicant has to be prepared to agree with the conditions place at the Town Council meeting. Mr. Hinson asked if the process would be tabling it and coming back to us. Mr. Gover stated if you are recommending to deny the request then the Town Council will look at it and possibly send it back to Planning Board.

Mr. Higgins asked if the proposed turn lane at the intersection of Shue Road and North Main Street would only go in if this neighborhood was built. Chairman Morton stated from what he understands yes only if the neighborhood was built.

Mr. Hinson stated a concern was the number of lots on the Shue Road side. He stated if the 50 ft. lots on Street C and D were changed to 60 ft. lots this would decrease the density a little and bring the number of lots closer to being the same. Mr. Higgins stated he would be fine with lots 1-32 being 60 ft. and leave the rest 50 ft. Chairman Morton asked why Mr. Hinson and Mr. Higgins are looking at 60 ft. lots vs 50 or 70 ft. lots. Mr. Hinson stated he was trying to increase the number of 60 ft. lots vs 50 ft. lots. Mr. Higgins stated his lot is 60 ft. and felt this was a good size lot. Mr. Hinson stated most of the lots are 60 ft. in Alexander Glen in Rockwell and the Oaks of Landis.

Mr. Hinson stated he would recommend tabling the request. Mr. Phillips stated he agrees with Mr. Hinson on tabling. Chairman Morton stated what he is hearing is asking the applicant to consider adjusting the lots on Street C and Street D and compliance with the ordinance that states the garage be recessed 4 ft. from the front façade. Mr. Bivens stated he agrees with Chairman Morton on asking for a different house design with the garage recessed. He stated we should table it and see if they are willing to adjust. He stated he would like to see a bigger lot but the garage forward is the issue he has. Chairman Morton stated he does not want to reject it if there is a way to recommend adjustments and move forward.

Mr. Hinson stated 50 ft. lots are 56% of this layout. He stated we should recommend a 50/50 with lot sizes. He stated he believes this development could not work without the extension of Collins Road. He asked if all the Board agreed with this statement. Chairman Morton agreed.

Chairman Morton stated we do not have buffering requirements for residential against residential. He stated buffering for the lots close to Shue Road is for the residents of the subdivision from the traffic.

Mr. Hinson stated he would like to table and recommend the lots on Street C and D to be changed to 60 ft. lots and recommend changing the design of the house to have the garage recessed meeting our ordinance.

Mr. Moore stated he would prefer having those conditions as part as moving the request to the Town Council. Mr. Phillips stated he does not believe we would need to table this for a month. He asked if amendments could be done in a week. He stated this way the Town Council could still review the request at the September meeting. Mr. Moore stated contractually Lennar has had to push back their contract with the land owner for five months. He stated the property owners may not want to sign another extension. Mr. Gover stated we can recess and call another meeting next week. Chairman Morton stated he agrees with Mr. Moore that this has drawn on a long time. Mr. Phillips stated he is willing to recess and give Mr. Moore time to adjust.

Chairman Morton recessed the meeting until Wednesday, August 19<sup>th</sup>, 2020 at 6:00 PM.

### **Adjourn**

Mr. Hinson made the motion to recess. Mr. Phillips seconded the motion, which was carried unanimously.

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David Morton  
Chairman

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Pamela L. Mills, CMC  
Town Clerk